



General Assembly

February Session, 2008

**Substitute Bill No. 5714**

\* \_\_\_\_\_ HB05714PD \_\_\_\_\_ 031408 \_\_\_\_\_ \*

**AN ACT CONCERNING ZONING FOR STARTER HOMES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-2 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) The zoning commission of each city, town or borough is  
4 authorized to regulate, within the limits of such municipality, the  
5 height, number of stories and size of buildings and other structures;  
6 the percentage of the area of the lot that may be occupied; the size of  
7 yards, courts and other open spaces; the density of population and the  
8 location and use of buildings, structures and land for trade, industry,  
9 residence or other purposes, including water-dependent uses as  
10 defined in section 22a-93, and the height, size and location of  
11 advertising signs and billboards. Such bulk regulations may allow for  
12 cluster development as defined in section 8-18. Such zoning  
13 commission may divide the municipality into districts of such number,  
14 shape and area as may be best suited to carry out the purposes of this  
15 chapter; and, within such districts, it may regulate the erection,  
16 construction, reconstruction, alteration or use of buildings or  
17 structures and the use of land. All such regulations shall be uniform  
18 for each class or kind of buildings, structures or use of land throughout  
19 each district, but the regulations in one district may differ from those  
20 in another district, and may provide that certain classes or kinds of

21 buildings, structures or uses of land are permitted only after obtaining  
22 a special permit or special exception from a zoning commission,  
23 planning commission, combined planning and zoning commission or  
24 zoning board of appeals, whichever commission or board the  
25 regulations may, notwithstanding any special act to the contrary,  
26 designate, subject to standards set forth in the regulations and to  
27 conditions necessary to protect the public health, safety, convenience  
28 and property values. Such regulations shall be made in accordance  
29 with a comprehensive plan and in adopting such regulations the  
30 commission shall consider the plan of conservation and development  
31 prepared under section 8-23 of the 2008 supplement to the general  
32 statutes. Such regulations shall be designed to lessen congestion in the  
33 streets; to secure safety from fire, panic, flood and other dangers; to  
34 promote health and the general welfare; to provide adequate light and  
35 air; to prevent the overcrowding of land; to avoid undue concentration  
36 of population and to facilitate the adequate provision for  
37 transportation, water, sewerage, schools, parks and other public  
38 requirements. Such regulations shall be made with reasonable  
39 consideration as to the character of the district and its peculiar  
40 suitability for particular uses and with a view to conserving the value  
41 of buildings and encouraging the most appropriate use of land  
42 throughout such municipality. Such regulations may, to the extent  
43 consistent with soil types, terrain, infrastructure capacity and the plan  
44 of conservation and development for the community, provide for  
45 cluster development, as defined in section 8-18, in residential zones.  
46 Such regulations shall also encourage the development of housing  
47 opportunities, including opportunities for multifamily dwellings,  
48 consistent with soil types, terrain and infrastructure capacity, for all  
49 residents of the municipality and the planning region in which the  
50 municipality is located, as designated by the Secretary of the Office of  
51 Policy and Management under section 16a-4a. Such regulations shall  
52 also promote housing choice and economic diversity in housing,  
53 including housing for both low and moderate income households, and  
54 shall encourage the development of housing which will meet the  
55 housing needs identified in the housing plan prepared pursuant to

56 section 8-37t and in the housing component and the other components  
57 of the state plan of conservation and development prepared pursuant  
58 to section 16a-26. Zoning regulations shall be made with reasonable  
59 consideration for their impact on agriculture. Zoning regulations may  
60 be made with reasonable consideration for the protection of historic  
61 factors and shall be made with reasonable consideration for the  
62 protection of existing and potential public surface and ground  
63 drinking water supplies. On and after July 1, 1985, the regulations shall  
64 provide that proper provision be made for soil erosion and sediment  
65 control pursuant to section 22a-329. Such regulations may also  
66 encourage energy-efficient patterns of development, the use of solar  
67 and other renewable forms of energy, and energy conservation. The  
68 regulations may also provide for incentives for developers who use  
69 passive solar energy techniques, as defined in subsection (b) of section  
70 8-25 of the 2008 supplement to the general statutes, in planning a  
71 residential subdivision development. The incentives may include, but  
72 not be limited to, cluster development, higher density development  
73 and performance standards for roads, sidewalks and underground  
74 facilities in the subdivision. Such regulations may provide for a  
75 municipal system for the creation of development rights and the  
76 permanent transfer of such development rights, which may include a  
77 system for the variance of density limits in connection with any such  
78 transfer. Such regulations may also provide for notice requirements in  
79 addition to those required by this chapter. Such regulations may  
80 provide for conditions on operations to collect spring water or well  
81 water, as defined in section 21a-150, including the time, place and  
82 manner of such operations. No such regulations shall prohibit the  
83 operation of any family day care home or group day care home in a  
84 residential zone. Such regulations shall not impose conditions and  
85 requirements on manufactured homes having as their narrowest  
86 dimension twenty-two feet or more and built in accordance with  
87 federal manufactured home construction and safety standards or on  
88 lots containing such manufactured homes which are substantially  
89 different from conditions and requirements imposed on single-family  
90 dwellings and lots containing single-family dwellings. Such

91 regulations shall not impose conditions and requirements on  
92 developments to be occupied by manufactured homes having as their  
93 narrowest dimension twenty-two feet or more and built in accordance  
94 with federal manufactured home construction and safety standards  
95 which are substantially different from conditions and requirements  
96 imposed on multifamily dwellings, lots containing multifamily  
97 dwellings, cluster developments or planned unit developments. Such  
98 regulations shall not prohibit the continuance of any nonconforming  
99 use, building or structure existing at the time of the adoption of such  
100 regulations. Such regulations shall not provide for the termination of  
101 any nonconforming use solely as a result of nonuse for a specified  
102 period of time without regard to the intent of the property owner to  
103 maintain that use. Any city, town or borough which adopts the  
104 provisions of this chapter may, by vote of its legislative body, exempt  
105 municipal property from the regulations prescribed by the zoning  
106 commission of such city, town or borough; but unless it is so voted  
107 municipal property shall be subject to such regulations.

108 (b) In any municipality that is contiguous to Long Island Sound the  
109 regulations adopted under this section shall be made with reasonable  
110 consideration for restoration and protection of the ecosystem and  
111 habitat of Long Island Sound and shall be designed to reduce hypoxia,  
112 pathogens, toxic contaminants and floatable debris in Long Island  
113 Sound. Such regulations shall provide that the commission consider  
114 the environmental impact on Long Island Sound of any proposal for  
115 development.

116 (c) In any municipality where a traprock ridge, as defined in section  
117 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located  
118 the regulations may provide for development restrictions in ridgeline  
119 setback areas, as defined in said section. The regulations may restrict  
120 quarrying and clear cutting, except that the following operations and  
121 uses shall be permitted in ridgeline setback areas, as of right: (1)  
122 Emergency work necessary to protect life and property; (2) any  
123 nonconforming uses that were in existence and that were approved on  
124 or before the effective date of regulations adopted under this section;

125 and (3) selective timbering, grazing of domesticated animals and  
126 passive recreation.

127 (d) Whenever land is rezoned for residential use or the classification  
128 of land as farm land, forest land or open space land under sections 12-  
129 107a to 12-107e, inclusive, is terminated and such land is zoned or  
130 rezoned for residential use, the regulations shall provide that any  
131 development of more than five acres in such a residential zone reserve  
132 twenty per cent of such land for starter homes, consisting of one-family  
133 or two-family dwelling units on lots of no more than one-half acre, if  
134 soil conditions support such development. The regulations shall not  
135 establish a minimum square footage for the dwelling units.  
136 Regulations may allow buildings with three or more dwelling units on  
137 the reserved land based on soil conditions.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2008	8-2
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**PD** Joint Favorable Subst.